IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39315 of 2008
YOGI MAHTO S/O LATE BIPAT MAHTO, RESIDENT OF VILLAGE MANSOOR CHAK, P.S. MANSOOR CHAK, DISTRICT BEGUSARAI----- PETITIONER
Versus
STATE OF BIHAR----------OPPOSITE PARTY
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2 16.10.2008 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is in custody since 12th June, 2008 in relation to Mansoor Chak P.S. Case No. 17 of 2005 for the offence under sections 304/34 if the Indian Penal Code.

As per the FIR some altercation has taken place with the deceased who was said to be of unsound mind on 23rd June, 2005, on which date it is alleged that two persons including this petitioner had assaulted the deceased. But reason for lodging of the case on 25th June, 2005 was that when the deceased aged 85 years was coming back by cycle from a medicine shop he is supposed to have fallen down and died. The informant linked the assault with the death of the deceased and therefore the present case has come to be filed. The deceased is supposed to be of 85 years of age and the postmortem report has been brought on record to show that there is minor abrasion on the body of the deceased which could not be linked with the death. It could be urged that the deceased had died due to fall. Therefore in the above circumstances the fixing of liability of death on the present petitioner may be misplaced. It is further submitted that another co-accused Budha Mahto has already been enlarged on bail by a

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Bench of this Court in the present case.

The case of the petitioner being no different from co-accused Budha Mahto , let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Mansoor Chak P.S. Case No. 17 of 2005.

RPS (Ajay Kumar Tripathi,J.)

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